

C. William Briscoe

C. William Briscoe, M.D., Chairman

**Summary of Proceedings
Kentucky Board of Medical Licensure
Inquiry/Hearing Panel A**

KBML Headquarters
Louisville, KY

9:30 am
May 20, 2010

Members Present

C. William Briscoe, M.D.
Boyd R. Buser, D.O.
Justice William Graves
William D. Hacker, M.D.
Susan Berberich, M.D.
Uday V. Dave, M.D.
Preston P. Nunnelley, M.D.
Paul Depriest, M.D.

Staff Present

C. William Schmidt
Michael Rodman
C. Lloyd Vest, II, Esq.
Leanne Diakov, Esq.
C. Jill Lun
Latha Ummaji
Jennie Woods
Betty Prater
George Stewart
Eric Tout
Doug Wilson
Bonnie Moore

Others Present

James Jennings, M.D.
Donetta Wolfe
Elizabeth Hornback
Ed Crews, R. Ph.
Chad Elder, Esq.
Molly Hasty, M.D.
Ben Feichter, Esq.
Ray Kleykamp, M.D.
Charles A. Moore, M.D.
Jennie Adams
Mazhar Rasul, M.D.
Chris Shaughnessy, Esq.
John Brazzell, M.D.
Tariq Malik, M.D.
Chris Massa, M.D.

Call to Order

The meeting of Panel A was called to order at 9:30 a.m. by the Chairman, C. William Briscoe, M.D.

Approval of Summary of Proceedings

Following a review of the February 18, 2010 Summary of Proceedings, a motion was made by Dr. Dave that they be approved. Seconded by Dr. Hacker, the motion carried.

Disciplinary Cases – Final Actions (None)

Disciplinary Cases – Requests for Modification

Thomas A. Donahue, M.D., License # 20898

On March 18, 2008 Dr. Donohue entered into an Agreed Order, and he is requesting that it be terminated. The Panel reviewed a Memorandum from Ms. Leanne Diakov, Assistant General Counsel, along with Dr. Donohue's Agreed Order, two Compliance Inspection Reports and correspondence from Dr. James Jennings.

Action: After review, a motion was made by Dr. Buser to grant Dr. Donohue's request and terminate his Agreed Order. Seconded by Justice Graves, the motion carried.

Anissa R. Hargis, PA-C, License # PA353

Ms. Hargis entered into an Agreed Order of Revocation Stayed; Second Amended Agreed Order of Indefinite Restriction on January 22, 2010, and she is requesting that it be terminated. A Memorandum from Mr. Lloyd Vest, General Counsel, was reviewed along with Ms. Hargis' Order, two Compliance Inspection Reports and a letter from Dr. James Jennings who was in attendance and addressed Panel members.

Action: Following discussion, Dr. Hacker made a motion to terminate Ms. Hargis' Agreed Order of Revocation, Stayed; Second Amended Agreed Order of Indefinite Restriction. Seconded by Dr. Buser, the motion carried.

Robert Z. Joseph, M.D., License # 26611

Dr. Joseph is requesting that the Panel terminate his Agreed Order of Indefinite Restriction, which he entered into on November 16, 2006. The Panel reviewed a Memorandum from Mr. Lloyd Vest, Dr. Joseph's Agreed Order of Indefinite Restriction and two Compliance Inspection Reports.

Action: Upon consideration, Dr. Hacker moved to grant Dr. Joseph's request and terminate his Agreed Order of Indefinite Restriction and open an investigation with a KASPER review in one year. Seconded by Justice Graves, the motion carried.

Paul R. Kleykamp, M.D., License # 20192

On September 21, 2009 Dr. Kleykamp entered into an Agreed Order. He is requesting that it be modified to allow the reinstatement of his prescribing privileges. A Memorandum from Ms. Leanne Diakov was reviewed by the Panel along with documentation from CPEP, Certification for the Prescribing Controlled Drugs Course, a Compliance Inspection Report and correspondence from Dr. James Jennings. Dr. Kleykamp was present and addressed the Panel.

Action: After review, a motion was made by Dr. Briscoe to defer action on Dr. Kleykamp's request pending his completion of the CPEP Post Program. Seconded by Justice Graves, the motion carried.

Tariq K. Malik, M.D., License # 32045

Dr. Malik entered into an Agreed Order on September 2, 2008, and he is requesting that it be terminated. Panel members reviewed a Memorandum from Mr. Lloyd Vest, Dr. Malik's Agreed Order, two Compliance Inspection Reports, a Board consultant's findings and a letter from Dr. James Jennings.

Action: Following discussion, Dr. Dave moved to approve Dr. Malik's request to terminate his Agreed Order and send him a copy of the Board consultant's report. Seconded by Dr. Buser, the motion carried.

Mazhar Rasul, M.D., License # 37590

Dr. Rasul entered into an Agreed Order on November 19, 2009, and he is requesting that it be amended or dissolved in order to retract the National Practitioner Databank report. Panel members reviewed a Memorandum from Ms. Leanne Diakov, Dr. Rasul's Agreed Order, his Motion to Dissolve and/or Amend Agreed Order and the National Practitioner Databank reporting guidelines. Dr. Rasul and his attorney were present and addressed Panel members.

Action: Upon discussion, Dr. Dave made a motion to deny Dr. Rasul's request but to allow him to resubmit his request in six months. Seconded by Dr. Depriest, the motion carried.

Thomas J. Schroeder, M.D., License # 18652

On June 2, 2008 Dr. Schroeder entered into an Agreed Order. He is requesting that this Order be terminated. A Memorandum from Ms. Leanne Diakov was reviewed along with Dr. Schroeder's Agreed Order, two Compliance Inspection Reports and correspondence from Dr. James Jennings who was in attendance and addressed the Panel members.

Action: After consideration, a motion was made by Dr. Dave to grant Dr. Schroeder's request and terminate his Agreed Order. Seconded by Justice Graves, the motion carried.

Michael R. Swenson, M.D., License # 32736

Dr. Swenson entered into an Amended Agreed Order of Indefinite Restriction on March 27, 2007, and he is requesting that it be terminated. Panel members reviewed a Memorandum from Mr. Lloyd Vest, the Amended Agreed Order of Indefinite Restriction, three Compliance Inspection Reports and correspondence from Dr. James Jennings who addressed the Panel.

Action: Following review of the information, Dr. Hacker moved to grant Dr. Swenson's request and terminate his Amended Agreed Order of Indefinite Restriction following the Board's receipt of proof that he completed the boundaries course. He further moved to flag Dr. Swenson's file and review his case should he move back to Kentucky. Seconded by Dr. Buser, the motion carried.

Applications for Renewal/Reregistration (None)

Executive Session

A motion was made by Dr. Buser and seconded by Justice Graves that the Panel should enter into Executive Session in order to discuss and deliberate upon:

 matters currently in litigation;
 pending investigations that may result in litigation;
 applications involving confidential treatment records.

The specific statutory sections providing exemptions are 61.810(1)(c), 61.810(1)(j), 61.810(1)(k), 61.878(1)(a), 61.878(1)(h) and 311.619. Motion carried.

Non-Compliance Cases

Joseph J. Koenigsmark, D.O., License #02161

This is a non-compliance case concerning Dr. Koenigsmark's failure to pay the costs of proceedings in violation of his Amended Order of Suspension and Probation. An Investigative Report from Mr. Doug Wilson, Board Investigator, was reviewed by the Panel along with Dr. Koenigsmark's Amended Order of Suspension and Probation, correspondence to and from Dr. Koenigsmark, a Memorandum of Agreement with DEA and three Compliance Inspection Reports.

Action: After consideration, a motion was made by Dr. Buser to file a Complaint. Seconded by Dr. Dave, the motion carried.

Chaisak Pengvanich, M.D., License # 17517

Dr. Pengvanich entered into an Interim Agreed Order (Diversion) on April 28, 2009, and he is in violation of the stipulations of that Order by not signing the CPEP Educational Intervention Plan. Ms. Diakov reported that last week he agreed to follow through with the Plan. The Panel reviewed an Investigative Report from Ms. Betty Prater, Board Investigator, the Interim Agreed Order (Diversion), a CPEP Assessment Report and Educational Intervention Plan and correspondence from Dr. Pengvanich's attorney who was in attendance and addressed the Panel.

Action: Upon discussion, Dr. Dave made a motion to file a Complaint and Emergency Order of Suspension if Dr. Pengvanich does not begin the education plan by June 15th. Seconded by Justice Graves, the motion carried.

Molly B. Hasty, M.D., License # 40445

Dr. Hasty entered into an Agreed Order with the Board on March 6, 2009. This case is being reviewed as non-compliance due to her receiving multiple prescriptions of controlled substances from different physicians, which is in violation of her Agreed Order. An Investigative Report from Ms. Betty Prater was reviewed by Panel members, as well as Dr. Hasty's Agreed Order, two progress notes and correspondence from her attorney. Dr. Jennings was in attendance and addressed Panel members. Dr. Hasty was also in attendance.

Action: Following review, Dr. Buser moved to ask Dr. Hasty to enter into an Agreed Order, and if she refuses, to file a Complaint and Emergency Order of Suspension. Seconded by Dr. Hacker, the motion carried. Terms and conditions were provided to General Counsel.

Kentucky Physicians Health Foundation

John W. Brazzell, M.D., License # 19912

This is a new case involving a grievance against Dr. Brazzell concerning the suspension of his hospital privileges. An Investigative Report from Mr. George Stewart was reviewed along with correspondence from Lourdes Hospital and his Discharge Summary from MARR. Dr. Jennings was present and addressed the Panel.

Action: Following discussion, a motion was made by Justice Graves to ask Dr. Brazzell to enter into an Agreed Order. Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.

Daniel R. Lance, M.D., License # 33133

This new case involves a complaint filed against Dr. Lance alleging that he was overly aggressive with a five-year-old patient. The Panel reviewed an Investigative Report from Mr. Doug Wilson, the grievance, a response from Dr. Lance and correspondence from Dr. James Jennings who addressed the Panel.

Action: After consideration, Dr. Hacker made a motion to that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Buser, the motion carried.

Parag Patel, M.D., License # 36991

An investigation was conducted against Dr. Patel after the Board received notice that Dr. Patel surrendered his hospital privileges via a leave of absence due to testing positive for alcohol. Panel members reviewed an Investigative Report from Mr. Eric Tout, Board Investigator, the NPDB Adverse Action Report, a response from Dr. Patel and correspondence from Dr. James Jennings who was present and addressed the Panel.

Action: After review, a motion was made by Dr. Dave to ask Dr. Patel to enter into an Agreed Order. Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.

William B. Evans, M.D., License # 38135

A complaint was filed against Dr. Evans alleging that he struck a patient in the hospital in retaliation to the patient hitting him. The grievance, a response from Dr. Evans and a letter to Dr. Evans from JHSMH were reviewed by Panel members.

Action: Following discussion, Justice Graves moved to send Dr. Evans a Letter of Concern. Seconded by Dr. Hacker, the motion carried.

Old Cases

Richard O. Gritzmacher, M.D., License # 36243

On May 19, 2005 Dr. Gritzmacher entered into an Agreed Order, which required that he not apply to reregister his Kentucky medical license without the Panel's approval. He is now requesting permission to file an application to reregister his Kentucky medical license. An Investigative Report from Mr. Eric Tout was reviewed along with Dr. Gritzmacher's Agreed Order and his response.

Action: Following discussion, a motion was made by Dr. Hacker to grant Dr. Gritzmacher's request and allow him to file an application to reregister his Kentucky license. Seconded by Justice Graves, the motion carried.

Anand M. Gupta, M.D., License # 33458

Two patients filed grievances against Dr. Gupta, which were reviewed by Panel A at their November 2009 meeting in Executive Session. It was the Panel's decision to defer action on this case pending further review. At today's meeting, Panel members reviewed a Memorandum from Ms. Leanne Diakov, certifications of completion of a Conscious Sedation Course and a Boundaries Course, a letter from Dr. Gupta's proctor and operative reports for his proctored procedures. Dr. Gupta was in attendance.

Action: After review, Dr. Buser moved to close the investigation and that no disciplinary action be taken against Dr. Gupta's medical license. Seconded by Dr. Depriest, the motion carried.

Charles A. Moore, M.D., License # 22757

This is an old case that was reviewed by Panel A at their February 2007 meeting. A second chart review has been completed per the stipulations of the Panel. The Panel reviewed a report from Ms. Bonnie Moore, Board Investigator, a Board consultant's report, a report from CPEP and a response from Dr. Moore.

Action: After review, a motion was made by Justice Graves to ask Dr. Moore to submit to a CPEP evaluation, and if he refuses, to file a Complaint and Emergency Order of Restriction. Seconded by Dr. Buser, the motion carried. Terms and conditions were provided to General Counsel.

Larry E. Perry, M.D., License # 35454

This case regarding Dr. Perry was reviewed by Panel A in November of 2009 at which time they issued a Complaint and Emergency Order of Suspension. They also asked for further investigation and gave Mr. Vest the authority to amend the Complaint as needed. The Panel reviewed a Memorandum from Mr. Doug Wilson, the Complaint and Emergency Order of Suspension and a response from Dr. Perry.

Action: Following discussion, a motion was made by Dr. Buser to amend the Complaint and authorize Mr. Vest to amend the Complaint again, if needed. Seconded by Dr. Hacker, the motion carried.

New Cases – Investigated

Richard W. Albert, M.D., License # 21146

A grievance was filed against Dr. Albert concerning his advertising of controlled substances, which is in violation of the Controlled Substances Act. The Panel reviewed an Investigative Report from Ms. Bonnie Moore, the grievance and a response from Dr. Albert.

Action: Following review, Dr. Hacker made a motion that the incident disclosed an instance of misconduct that does not warrant the issuance of a Complaint but that a Letter of Admonishment should be directed to Dr. Albert. Seconded by Buser, the motion carried.

Mickey D. Anderson, M.D., License # 20844

This is a new case regarding a complaint filed against Dr. Anderson alleging that he coerced a patient into signing a consent for surgery. An Investigative Report from Mr. Doug Wilson was reviewed along with a Board consultant's findings and a response from Dr. Anderson.

Action: Following consideration, Dr. Dave moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Therefore, this investigation was closed. Seconded by Dr. Buser, the motion carried.

Viorel Boborodea, M.D., License # 29482

An investigation was conducted into a grievance filed against Dr. Boborodea alleging that he left a piece of gauze inside a patient after a surgery. Panel members reviewed an Investigative Report from Ms. Bonnie Moore, a response from Dr. Boborodea and a Board consultant's report.

Action: After review, Dr. Dave made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Therefore, this investigation was closed. Seconded by Justice Graves, the motion carried.

James S. Brashear, M.D., License # 13237;
Raymond Buchanan, PA-C, License # PA070

A new investigation was opened after a complaint was received against Dr. Brashear concerning pre-signed prescription pads in his office and the alleged misuse of them by his Physician Assistant and an LPN in his office. The Panel reviewed an Investigative Report from Mr. George Stewart, a Board consultant's findings and responses from Dr. Brashear and the LPN.

Action: Upon discussion, a motion was made by Dr. Buser to ask Dr. Brashear to cooperate with the Panel's investigation, and if he refuses, to file a Complaint and Emergency Order of Restriction. With regard to Dr. Brashear's Physician Assistant, he moved that the incident disclosed an instance of misconduct that does not warrant the issuance of a Complaint but that a Letter of Admonishment should be directed to Mr. Buchanan and that a copy of the Minutes should be sent to the Chairman of the PA Committee. He further moved to refer this to the Kentucky Board of Nursing for their review regarding Dr. Brashear's LPN. Seconded by Dr. Dave, the motion carried.

Michael J. Crowe, M.D., License # 29360

This is a new case involving a complaint filed against Dr. Crowe concerning the inappropriate prescribing of controlled substances. An Investigative Report from Mr. George Stewart was reviewed by the Panel along with a Board consultant's findings and a response from Dr. Crowe.

Action: After review, Dr. Dave moved to ask Dr. Crowe to cooperate with the Panel's investigation, and if he refuses, to file a Complaint. Seconded by Dr. Hacker, the motion carried.

Kermit D. Gibson, D.O., License # 02080

An investigation was conducted into a grievance filed against Dr. Gibson concerning his prescribing of controlled substances. The Panel reviewed an Investigative Report from Ms. Bonnie Moore, a response from Dr. Gibson and a Board consultant's report.

Action: Upon consideration, a motion was made by Dr. Hacker to send Dr. Gibson a Letter of Concern along with a copy of the Board's Opinion. Seconded by Dr. Dave, the motion carried.

Kendall E. Hansen, M.D., License # 25777; Gary A. Shearer, M.D., License # 16833

A grievance was received against Dr. Hansen and Dr. Shearer alleging that they abandoned a patient. Panel members reviewed an Investigative Report from Mr. Eric Tout, two Board consultants' findings, a response from Dr. Hansen and a response from Dr. Shearer.

Action: Following discussion, Dr. Hacker moved that with regard to Dr. Hansen there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Therefore, this investigation was closed. With regard to Dr. Shearer, Dr. Hacker made a motion to send him a Letter of Concern along with a copy of the Board's Opinion. Seconded by Justice Graves, the motion carried.

Cyna Khalily, M.D., License # 31555

A complaint was filed against Dr. Khalily alleging that he smelled of marijuana during the grievant's office visit. The Panel reviewed an Investigative Report from Ms. Betty Prater, Board Investigator, the grievance and a response from Dr. Khalily.

Action: Upon consideration, Dr. Dave made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Therefore, this investigation was closed. Seconded by Dr. Hacker, the motion carried.

William D. Kirk, M.D., License # 26011

A grievance was received against Dr. Kirk alleging that he was inappropriately prescribing controlled substances. An Investigative Report from Mr. Doug Wilson was reviewed along with the grievance, a Board consultant's report and Dr. Kirk's response.

Action: After discussion, a motion was made by Dr. Dave to defer action pending further review by another Board consultant. Seconded by Dr. Buser, the motion carried.

Mohammed A. Sayed, M.D., License # 34448

This is a new case concerning a grievance filed against Dr. Sayed for routinely having signed blank prescription forms in his office. An Investigative Report from Mr. George Stewart was reviewed by the Panel members along with a Board consultant's findings and Dr. Sayed's response to the consultant's report.

Action: Upon review, Dr. Dave moved to defer action on this case pending further review. Seconded by Dr. Berberich, the motion carried.

Logan E. Turner, M.D., License # 42726

A grievance was filed against Dr. Turner alleging that he failed to provide quality care to a patient. Panel members reviewed an Investigative Report from Ms. Betty Prater, the grievance and a response from Dr. Turner.

Action: Following consideration, a motion was made by Dr. Hacker to send Dr. Turner a Letter of Concern. Seconded by Justice Graves, the motion carried.

New Cases – Not Investigated

Anir Dhir, M.D., License # 34879

A patient filed a grievance against Dr. Dhir alleging that he was unprofessional during an office visit. The grievance and a response from Dr. Dhir were reviewed by the Panel.

Action: Upon review, a motion was made by Dr. Hacker that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Berberich, the motion carried.

Steve B. Hiland, M.D., License # 16790

Two complaints were filed by inmates against Dr. Hiland alleging that he failed to provide quality care. The grievances and a response from Dr. Haas, Medical Director for the Department of Corrections, were reviewed by the Panel.

Action: After consideration, Dr. Buser made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Justice Graves, the motion carried.

Anupama Kaul, M.D., License # 37424; Michael W. Shadowen, M.D., License # 21473

A grievance was filed against Dr. Kaul and Dr. Shadowen by a patient who alleges they misdiagnosed him as having lung cancer when he did not. The grievance and responses from Dr. Kaul and Dr. Shadowen were reviewed by Panel members.

Action: Following discussion, Dr. Dave moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Buser, the motion carried.

Lloyd S. Naramore, D.O., License # 02235

A complaint was received against Dr. Naramore claiming that he is practicing medicine without a license. The Panel reviewed the grievance and Dr. Naramore's response.

Action: Upon review, a motion was made by Dr. Dave to open an investigation. Seconded by Dr. Buser, the motion carried.

Actions in Other States (None)

Malpractice Settlements/Judgments

Information concerning the following physicians was presented to the Panel as a result of malpractice settlements or judgments made against them in excess of \$250,000.

Walter T. Bowers, M.D., License # 32910

This malpractice case was reviewed by Panel A at their November 2009 meeting, and an additional chart review was recommended. An Investigative Report from Mr. Eric Tout was reviewed by the Panel along with a Board consultant's findings and a response to the consultant's report from Dr. Bowers.

Action: After discussion, a motion was made by Dr. Dave to ask Dr. Bowers to submit to an evaluation, and if he refuses, to file a Complaint. Seconded by Dr. Berberich, the motion carried.

Mary L. Eastham, M.D., Inactive License # 19008

This is a new case involving a grievance against Dr. Eastham concerning a malpractice settlement in January 2009 in the amount of \$690,000. Panel members reviewed an investigative report from Ms. Betty Prater, the Medical Malpractice Payment Report and the findings of a Board consultant.

Action: Following review, Dr. Buser made a motion that due to Dr. Eastham having an inactive license no action is needed at this time. He further moved to flag her file, and if she submits an application to renew her license, this will be reviewed at that time. Seconded by Dr. Dave, the motion carried.

Deepak Mehrotra, M.D., License # 19732

This malpractice case was reviewed by a Panel member who recommended it be further reviewed by an Anesthesia/Pain specialist. The Panel reviewed an Investigative Report from Mr. Eric Tout, a Board consultant's findings and a response from Dr. Mehrotra.

Action: Upon consideration, Dr. Dave moved to send Dr. Mehrotra a Letter of Concern along with a copy of the consultant's report. Seconded by Dr. Hacker, the motion carried.

Pursuant to Board policy, members of the Panel reviewed the following malpractice cases previously reviewed by two Board members who had recommended no action:

Gail Feinberg, M.D.
Larry S. Fields, M.D.
Jerry T. Hart, M.D.
Drema Hunt, M.D.

Following a review of these cases, a motion was made by Dr. Buser that no further action was necessary and these cases be closed. Seconded by Justice Graves, the motion carried.

Other Items (None)

Date of Next Meeting

The next Panel A meeting is scheduled for August 19, 2010.

Adjournment

There being no further business open for discussion, a motion was made by Dr. Buser that the meeting be adjourned at 1:00 pm. Seconded by Dr. Hacker, the motion carried.

The following cases are exempt from open records pursuant to KRS 311.619.

Requests for Modification

Thomas A. Donohue, M.D., License # 20898

On March 18, 2008 Dr. Donohue entered into an Agreed Order, and he is requesting that it be modified to a Letter of Agreement. The Panel reviewed a Memorandum from Leanne Diakov, Assistant General Counsel, along with Dr. Donohue's Agreed Order, two Compliance Inspection Reports and correspondence from Dr. James Jennings who was present and addressed the Panel.

Action: After review, a motion was made by Dr. Buser to grant Dr. Donohue's request and terminate his Agreed Order provided he enters into a three-year Letter of Agreement. Seconded by Justice Graves, the motion carried. Terms and conditions were provided to General Counsel.

Anissa R. Hargis, PA-C, License # PA353

Ms. Hargis entered into an Agreed Order of Revocation Stayed; Second Amended Agreed Order of Indefinite Restriction on January 22, 2010, and she is requesting that it be modified. A Memorandum from Mr. Lloyd Vest, General Counsel, was reviewed along with Ms. Hargis' Order, two Compliance Inspection Reports and a letter from Dr. James Jennings who was in attendance and addressed Panel members.

Action: Following discussion, Dr. Hacker made a motion to terminate Ms. Hargis' Agreed Order of Revocation, Stayed; Second Amended Agreed Order of Indefinite Restriction provided she enters into a three-year Letter of Agreement. Seconded by Dr. Buser, the motion carried. Terms and conditions were provided to General Counsel.

F. Christopher Massa, M.D., License # 34943

Dr. Massa is requesting that the Letter of Agreement he entered into on December 14, 2009 be modified. A Memorandum from Ms. Leanne Diakov was reviewed along with Dr. Massa's request, his Letter of Agreement and a letter from Dr. James Jennings who addressed the Panel. Dr. Massa was also in attendance.

Action: After review, a motion was made by Dr. Buser to grant Dr. Massa's request and modify his Letter of Agreement. Seconded by Dr. Hacker, the motion carried. Terms and conditions were provided to General Counsel.

Michael R. Swenson, M.D., License # 32736

Dr. Swenson entered into an Amended Agreed Order of Indefinite Restriction on March 27, 2007, and he is requesting that it be terminated. Panel members reviewed a Memorandum from Mr. Lloyd Vest, the Amended Agreed Order of Indefinite Restriction, three Compliance Inspection Reports and correspondence from Dr. James Jennings who addressed the Panel.

Action: Following review of the information, Dr. Hacker moved to grant Dr. Swenson's request and terminate his Amended Agreed Order of Indefinite Restriction following the Board's receipt of proof that he completed the prescribing course and provided he enters into a Letter of Agreement. He further moved to flag Dr. Swenson's file and review his case should he move back to Kentucky. Seconded by Dr. Buser, the motion carried.

Kentucky Physicians Health Foundation

William M. Parell, M.D., License E# 22473

On August 24, 2006 Dr. Parell entered into a Letter of Agreement. He is requesting that it be terminated. A Memorandum from Mr. Lloyd Vest was reviewed by the Panel, along with Dr. Parell's Letter of Agreement, two Compliance Inspection Reports and a letter from Dr. James Jennings who addressed Panel members.

Action: Upon consideration, Dr. Hacker moved to grant Dr. Parell's request and terminate his Letter of Agreement. Seconded by Dr. Dave, the motion carried.

Old Cases

Anand M. Gupta, M.D., License # 33458

On December 17, 2009 Dr. Gupta entered into an Interim Agreed Order (Diversion), and he is requesting that it be terminated. Panel members reviewed a Memorandum from Ms. Leanne Diakov, the Interim Agreed Order (Diversion), certifications of completion of a Conscious Sedation Course and a Boundaries Course, a letter from Dr. Gupta's proctor and operative reports for his proctored procedures. Dr. Gupta was in attendance.

Action: After review, Dr. Buser moved to grant Dr. Gupta's request and terminate his Interim Agreed Order (Diversion). Seconded by Dr. Depriest, the motion carried.

Charles A. Moore, M.D., License # 22757

This is an old case concerning an Interim Agreed Order (Diversion) that Dr. Moore entered into on March 23, 2007. The second chart review has been completed per the stipulations of that Order. The Panel reviewed a report from Ms. Bonnie Moore, Board Investigator, Dr. Moore's Interim Agreed Order (Diversion), a Board consultant's report, a report from CPEP and a response from Dr. Moore.

Action: After review, a motion was made by Justice Graves to ask Dr. Moore to enter into an Amended Interim Agreed Order (Diversion), and if he refuses, to file a Complaint and Emergency Order of Restriction. Seconded by Dr. Buser, the motion carried. Terms and conditions were provided to General Counsel.

New Cases – Investigated

James S. Brashear, M.D., License # 13237

A new investigation was opened after a complaint was received against Dr. Brashear concerning pre-signed prescription pads in his office and the alleged misuse of them by his Physician Assistant and an LPN in his office. The Panel reviewed an Investigative Report from Mr. George Stewart, a Board consultant's findings and responses from Dr. Brashear and the LPN.

Action: Upon discussion, a motion was made by Dr. Buser to ask Dr. Brashear to enter into an Interim Agreed Order (Diversion), and if he refuses, to file a Complaint and Emergency Order of Restriction. Seconded by Dr. Dave, the motion carried. Terms and conditions were provided to General Counsel.

Michael J. Crowe, M.D., License # 29360

This is a new case involving a complaint filed against Dr. Crowe concerning the inappropriate prescribing of controlled substances. An Investigative Report from Mr. George Stewart was reviewed by the Panel along with a Board consultant's findings and a response from Dr. Crowe.

Action: After review, Dave moved to ask Dr. Crowe to enter into an Interim Agreed Order (Diversion), and if he refuses to file a Complaint. Seconded by Dr. Hacker, the motion carried. Terms and conditions were provided to General Counsel.

Mohammed A. Sayed, M.D., License # 34448

This is a new case concerning a grievance filed against Dr. Sayed for routinely having signed blank prescription forms in his office. An Investigative Report from Mr. George Stewart was reviewed by the Panel members along with a Board consultant's findings and Dr. Sayed's response to the consultant's report.

Action: Upon review, Dr. Dave moved to ask Dr. Sayed to enter into an Interim Agreed Order (Diversion). Seconded by Dr. Berberich, the motion carried. Terms and conditions were provided to General Counsel.

Malpractice Settlements/Judgments

Walter T. Bowers, M.D., License # 32910

This malpractice case was reviewed by Panel A at their November 2009 meeting, and an additional chart review was recommended. An Investigative Report from Mr. Eric Tout was reviewed by the Panel along with a Board consultant's findings and a response to the consultant's report from Dr. Bowers.

Action: After discussion, a motion was made by Dr. Dave to ask Dr. Bowers to enter into an Interim Agreed Order (Diversion), and if he refuses, to file a Complaint. Seconded by Dr. Berberich, the motion carried.